

# MISSOURI DEPARTMENT OF MENTAL HEALTH

KEITH SCHAFER, DEPARTMENT DIRECTOR



DEPARTMENT  
OPERATING  
REGULATION  
NUMBER

DOR  
6.140

CHAPTER Human Resources		SUBCHAPTER Personnel Administration	EFFECTIVE DATE 10-10-07	NUMBER OF PAGES 3	PAGE NUMBER Page 1 of 3
SUBJECT Sick Leave		AUTHORITY Section 630.050 and 1 CSR 20-5.020		HISTORY See Below	
PERSON RESPONSIBLE Director, Office of Human Resources				SUNSET DATE 7-1-11	

**PURPOSE:** To define the Department's policy in regard to absences due to illness or injury and the use of paid sick leave.

**APPLICATION:** Applies to the entire Department.

(1) Every employee should attend work on time, fully prepared, every day that the employee is scheduled to work. Every employee should strive for perfect attendance. The purpose of sick leave is to provide income protection for a certain period of time when an employee is incapacitated and unable to perform assigned duties due to sickness or injury, pregnancy, childbirth and the recovery from them; or for medical, surgical, dental or optical examination or treatment; or where the presence of the employee on duty would jeopardize the health of others due to the exposure to contagious disease.

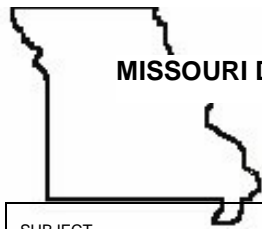
(2) Employees shall accumulate sick leave time in accordance with the provisions of 1 CSR 20-5.020(2).

(3) Accumulated sick leave may be used for a qualifying absence due to the illness or injury of the following person(s):

- (A) Employee;
- (B) Employee's spouse;
- (C) Employee's minor children; or
- (D) Other relatives or members of the employee's household.

(4) The decision concerning the granting of sick leave shall be based on the degree to which the employee is responsible for providing personal care and attention to the person that is ill or injured. The decision of the facility director to grant or deny the use of sick leave is final.

(5) When an employee is absent due to the illness or injury of a person listed in section (3) and has no accumulated sick leave, at the supervisor's discretion, the supervisor may approve the use of annual leave, compensatory leave or leave without pay. When granting such other leave in lieu of sick leave, the supervisor shall consider the employee's attendance history and the circumstances that resulted in the lack of accumulated sick leave. A facility may establish policies regarding the use of other leave in lieu of sick leave.



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(6) Employees shall notify their supervisors or other designated persons as far in advance as possible of their scheduled work shift when employees must be absent. Employees absent more than one day must keep their supervisors informed daily of their status, or make contact with the supervisor according to supervisory instructions or facility policy. Employees who become ill at work shall notify their supervisor(s) before leaving the worksite and may have to wait for relief, depending on facility policy. A facility may establish policies regarding the notification of absences.

(7) A supervisor may require an employee to use sick leave, or other leave if there is no accumulated sick leave, when the supervisor reasonably believes the employee's condition poses a threat to the employee, co-workers or clients. If the employee is at work, the supervisor may require the employee to leave the premises.

(8) Leave taken under the provisions of the Family Medical Leave Act (FMLA) will be handled according to DOR 6.142 Family Medical Leave.

(9) Employees who are absent due to injury or disease covered by Chapter 287, RSMo, (Workers Compensation Law), shall be permitted to use accumulated sick leave only to the extent necessary to make up the difference between disability benefits paid under Chapter 287, RSMo, and their salary at the time of injury.

(10) Employees shall complete leave request forms (DMH 13A) either prior to an absence, as soon as possible after an absence, or according to facility policy.

(11) Employees shall not engage in any other work activities for any other employer while on sick leave except with supervisory approval.

(12) Abuse of sick leave shall be cause for discipline, up to and including dismissal. Employees shall be notified when a potential pattern of abuse has been identified. Sick leave abuse can be the use of accumulated sick leave or other leave in lieu of sick leave. Circumstances or patterns that may constitute abuse include, but are not limited to, the following:

(A) Recurring absences before or after holidays or days off, or on official holidays.

(B) Consistent use of sick leave as it is earned.

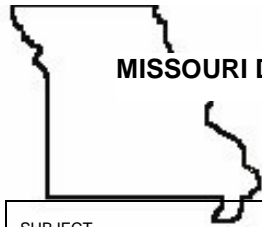
(C) Recurring absences the same day of the week, month, etc.

(D) Recurring absences on pay day, or the day after pay day.

(E) Recurring absences when the employee is at the top of the overtime mandate list.

(F) Sick leave taken on a day for which other leave has been denied.

(G) Sick leave taken when the employee is reassigned to a different work unit or function.



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SUBJECT Sick Leave	EFFECTIVE DATE 10-10-07	NUMBER OF PAGES 3	PAGE NUMBER Page 3 of 3
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(13) Failure to properly report an absence according to supervisory instructions or facility policy shall be cause for discipline, up to and including dismissal.

*HISTORY: Original DOR effective October 10, 2007.*